

RESOLUTION NO. 2017014

RE: AUTHORIZATION TO ACQUIRE PERMANENT EASEMENT  
FROM ISRAEL STUART LOPEZ AND JENNIFER JANE LOPEZ  
IN CONNECTION WITH THE PROJECT KNOWN AS  
OLD QUAKER HILL ROAD (CR 66) DRAINAGE IMPROVEMENTS,  
TOWN OF PAWLING, COUNTY OF DUTCHESS

Legislators PULVER, BORCHERT, and BOLNER offer the following and move its adoption:

WHEREAS, the Department of Public Works has proposed the improvement of Old Quaker Hill Road (CR 66) in the Town of Pawling, which project includes the acquisition of portions of certain properties, and

WHEREAS, the Department of Public Works has determined that the improvement project (1) constitutes an unlisted action pursuant to Article 8 of the Environmental Conservation Law and Part 617 of the NYCRR ("SEQRA"), and (2) will not have a significant impact on the environment, and

WHEREAS, the Department of Public Works has made a determination that in order to improve Old Quaker Hill Road (CR 66) in the Town of Pawling, it is necessary to acquire a permanent easement on a portion of real property, as follows: a 8,654 +/- square foot parcel as shown on Map 1, Parcel 1, on 216 Old Quaker Hill Road (CR 66), in the Town of Pawling, Dutchess County, and is described as Parcel Identification Number 134089-7156-00-509533-0000, presently owned by Israel Stuart Lopez and Jennifer Jane Lopez, and

WHEREAS, the purchase price to acquire the permanent easement, 8,654 +/- square foot parcel is \$5,000, to the property owners, Israel Stuart Lopez and Jennifer Jane Lopez, and

WHEREAS, a proposed Agreement to Purchase Real Property between the County and the property owners is annexed hereto, and

WHEREAS, it is the purpose of this Legislature in adopting this resolution to adopt and confirm the findings of the Department of Public Works, and

WHEREAS, the Commissioner of Public Works has recommended that the subject property be acquired for the total sum of \$5,000, plus an authorization to spend up to an additional \$1,000.00 in related expenses, if necessary; now, therefore, be it

RESOLVED, that this Legislature hereby adopts and confirms the determination of the Dutchess County Department of Public Works that the project, including the acquisition of the

Permanent Easement of the property described above in the Town of Pawling, will not have a significant adverse environmental impact, and be it further

RESOLVED, that the County Executive or his designee is authorized to execute the Agreement to Purchase Real Property in substantially the same form as annexed hereto along with any other necessary documents in connection with the Permanent Easement, and be it further

RESOLVED, that on the receipt from the property owners of the executed deed to the aforementioned land, and such other documents as may be necessary to convey free and clear title to the County of Dutchess, the County shall pay the necessary associated fees and/or expenses in connection with the Permanent Easement.

CA-021-17

CAB/sc/R-0965

1/5/17

Fiscal Impact: See attached statement

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 23rd day of January 2017, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 23<sup>rd</sup> day of January 2017.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

## FISCAL IMPACT STATEMENT

☐ NO FISCAL IMPACT PROJECTED

### APPROPRIATION RESOLUTIONS

(To be completed by requesting department)

Total Current Year Cost: \$ 6,000

Total Current Year Revenue \$ \_\_\_\_\_  
and Source

Source of County Funds (check one): ☒ Existing Appropriations, ☐ Contingency,  
☐ Transfer of Existing Appropriations, ☐ Additional Appropriations, ☐ Other (explain).

Identify Line Items(s):

Related Expenses: Amount \$ \_\_\_\_\_

Nature/Reason:

Anticipated Savings to County: \_\_\_\_\_

Net County Cost (this year): \$6,000

Over Five Years: \_\_\_\_\_

### Additional Comments/Explanation:

Authorization to acquire a Permanent Easement to a 8,654+/- square foot parcel as shown on Map 1, Parcel 1 with the purchase price of \$5,000.00 from Israel Stuart Lopez and Jennifer Jane Lopez.

Related expenses in the amount of \$1,000 are included in the Total Current Year Costs.

Prepared by: Matthew W. Davis

Prepared On: 12/20/16

AGREEMENT TO PURCHASE REAL PROPERTY

Project:  
PIN OR CIN:

Map: 1

Parcel: 1

This Agreement by and between ISRAEL STUART LOPEZ and JENNIFER JANE LOPEZ residing at 216 Old Quaker Hill Road, Town of Pawling, Dutchess County, hereinafter referred to as "Seller", and the COUNTY OF DUTCHESS, with offices at 22 Market Street, Poughkeepsie, New York, 12601 hereinafter referred to as "Buyer".

1. PROPERTY DESCRIPTION. The Seller agrees to sell, grant, convey:

☐ a permanent easement to 8,654± square feet of real property.

Located at 216 Old Quaker Hill Road, Town of Pawling, Dutchess County, and is further described as Map 1 Parcel 1 on Exhibit "A", attached hereto (hereinafter the "Easement Premises").

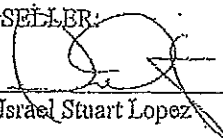
Being a portion of those same lands described in that certain deed dated March 15, 2016 and recorded in Document # 02 2016 2357 in the Office of the County Clerk for Dutchess County (re: Grid # 134089-7156-00-509533-0000).

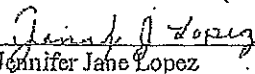
2. IMPROVEMENTS INCLUDED IN THE PURCHASE. The following improvements, if any, now in or on the property are included in this Agreement: None
3. PURCHASE PRICE. The total purchase price is FIVE THOUSAND AND 00/100 DOLLARS (\$5,000.00). The purchase price is intended to compensate the Sellers for their attorneys fees and other out of pocket expenses in connection with the Partial Release of Mortgage process. Examples of these out of pocket expenses are the application fee, a new survey of the remaining property and payment toward the mortgage balance. The Sellers acknowledge being advised by the Buyer that the Buyer's appraisal indicates that the value of the Permanent Easement and the Temporary Easement is \$16,525.00.
4. CLOSING DATE AND PLACE. Transfer of Title shall take place through the mail or at a mutually acceptable location, on or about ~~December 14, 2016~~ or sooner upon receipt of the partial release of mortgage lien hereinafter referenced. This Agreement is subject to the approval of the Dutchess County Legislature. CB  
\*\*February 27, 2017
5. TITLE DOCUMENTS. Buyer shall provide the following documents in connection with the sale:
- A. Deed. Buyer will prepare and deliver to the Seller for execution at the time of closing all documents required to convey the real property interest(s) described in paragraph 1 above. Buyer will arrange for a title search.
6. MARKETABILITY OF TITLE. Buyer shall pay for curative action, as deemed necessary by the Buyer, to insure good and valid marketable title in fee simple and/or permanent easement to the property. Such curative action is defined as the effort required to clear title, including but not limited to attending meetings, document preparation, obtaining releases and recording documents. Seller agrees to cooperate with Buyer in its curative action activities. The Buyer shall be responsible for the cost to satisfy liens and encumbrances identified by the Buyer.

7. RECORDING COSTS AND CLOSING ADJUSTMENTS. Buyer will pay all recording fees, if any. The following, as applicable and as deemed appropriate by the Buyer, will be prorated and adjusted between Seller and Buyer as of the date of closing: current taxes computed on a fiscal year basis, excluding delinquent items, interest and penalties; rent payments; current common charges or assessments, if any.
8. RESPONSIBILITY OF PERSONS UNDER THIS AGREEMENT; ASSIGNABILITY. The stipulations aforesaid shall bind and shall inure to the benefit of the heirs, executors, administrators, successors and assigns of the parties hereto.
9. ENTIRE AGREEMENT. This agreement when signed by both the Buyer and the Seller will be the record of the complete agreement between the Buyer and Seller concerning the purchase and sale of the property. No verbal agreements or promises will be binding.
10. NOTICES. All notices under this agreement shall be deemed delivered upon receipt. Any notices relating to this agreement may be given by the attorneys for the parties.
11. PERMANENT BASEMENT: Upon the receipt of a partial release of mortgage lien fully executed by the Navy Federal Credit Union, the holder of a mortgage secured by Seller's property (a portion of which is the Basement Premises), releasing its security interest in the Basement, the parties agree to execute the Permanent Basement in the form annexed hereto as Exhibit B.
12. The Buyer will obtain all necessary and proper approvals from any governmental authority for the construction, re-construction, and maintenance of the drainage system for storm water on the Basement Premises.
13. The Buyer shall install an eighteen (18) inch diameter sub-surface pipe for the drainage of storm water through the Basement Premises, with periodic manholes at grade level; shall backfill the ditch(s) with clean fill to grade level; shall remove all debris, including without limitation the wood and stumps of removed trees; and shall grade, rake and seed the surface.

IN WITNESS WHEREOF, on this \_\_\_\_\_ day of \_\_\_\_\_, 2016, the parties have entered into this Agreement.

SELLER:

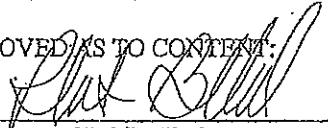
  
Israel Stuart Lopez

  
Jennifer Jane Lopez

APPROVED AS TO FORM:

\_\_\_\_\_  
Department of Law

APPROVED AS TO CONTENT:

  
Department of Public Works

COUNTY OF DUTCHESS:

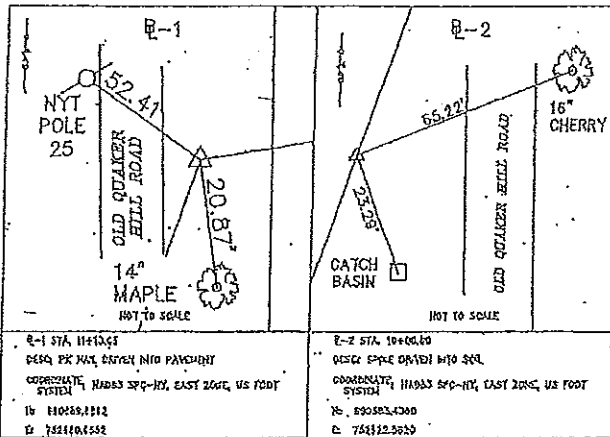
\_\_\_\_\_  
County Executive

**EXHIBIT A**  
**COUNTY OF DUTCHESS**  
**DEPARTMENT OF PUBLIC WORKS**  
**ACQUISITION MAP**

MAP NO. 1  
 PARCEL NO. 1  
 SHEET 1 OF 2

CR-56 DRAINAGE IMPROVEMENTS

DCH-2016-07

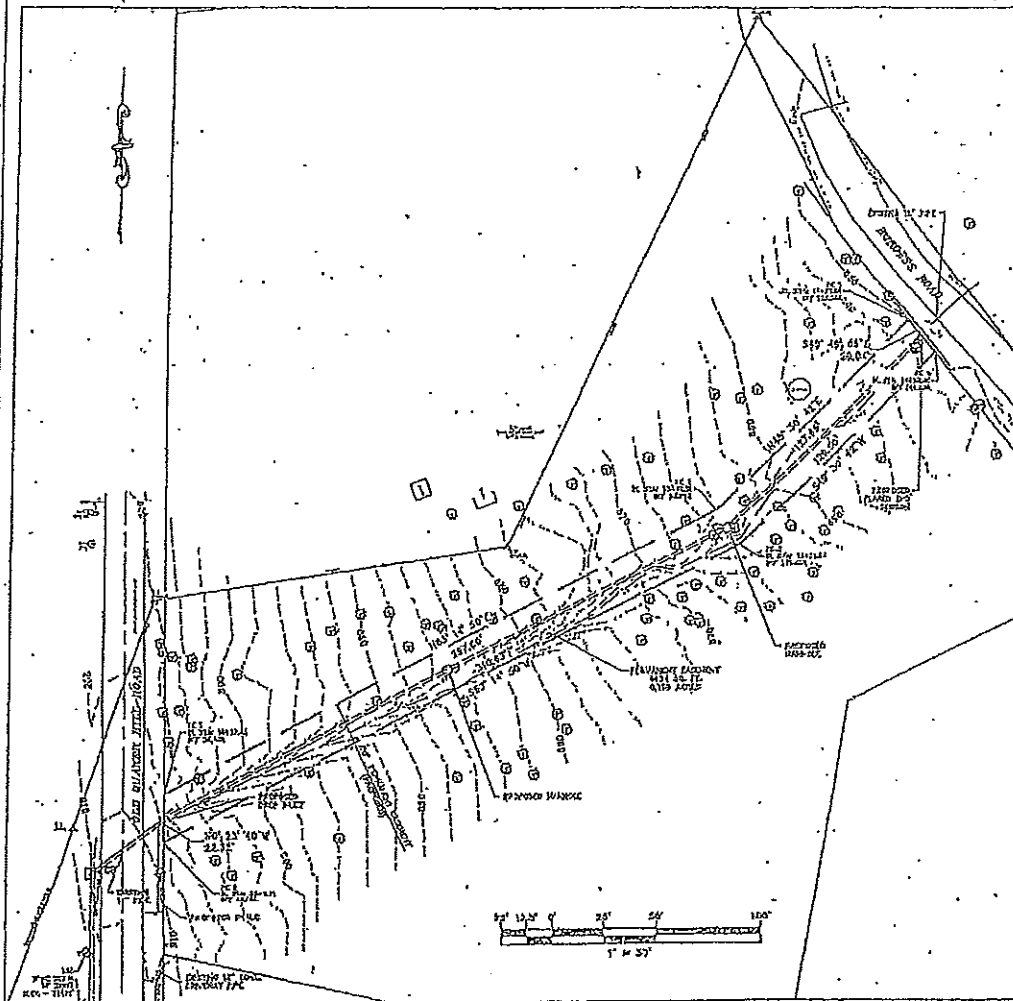


**ACQUISITION DESCRIPTION:**

Type: PERMANENT DRAINAGE EASEMENT  
 Portion of Real Property Tax  
 Parcel ID No. 134089-7156-00-508533  
 Town of Powling  
 County of Dutchess  
 State of New York

**REPUTED OWNER:**

Israel Stuart Lopez & Jennifer Jane Lopez  
 215 Old Quaker Hill Road  
 Powling, NY 12564



COPIES OF THIS MAP (SHEETS 1 & 2)  
 ARE ON FILE AT THE OFFICE OF THE DUTCHESS  
 COUNTY DEPARTMENT OF PUBLIC WORKS

MAP NUMBER: \_\_\_\_\_  
 REVISED DATE: \_\_\_\_\_  
 DATE PREPARED: 07-14-2016

PREPARED BY: JSE

CHECKED BY: JSE

FILED BY: JH

EXHIBIT A  
COUNTY OF DUTCHESS  
DEPARTMENT OF PUBLIC WORKS  
ACQUISITION MAP

MAP NO. 1  
PARCEL NO. 1  
SHEET 2 OF 2

CR-65 DRAINAGE IMPROVEMENTS

DCH-2016-07

A PERMANENT EASEMENT to be exercised for the purpose of construction, re-construction and maintenance of drainage system in the Town of Powling, County of Dutchess, State of New York being more particularly bounded and described as follows:

Beginning at a point on the easterly line of County Road 65 (A.K.A. Old Quaker Hill Road), said point being 38.48 feet  $\pm$  distant easterly, measured at right angles from Sta. 10+29.62 of the hereinafter described baseline; Thence running easterly through lands of Lopez the following (2) two courses and distances, N 63° 14' 50" E 287.60 feet to a point, said point being 83.99 feet  $\pm$  distant southerly, measured at right angles from Sta. 13+41.31 of the aforementioned baseline; Thence N 45° 30' 42" E 127.66 feet to a point, said point being 128.28 feet  $\pm$  distant southerly, measured at right angles from Sta. 14+60.06 of the aforementioned baseline; Thence turning southeasterly along the southerly line of Burgess Road S 40° 49' 08" E 20.04 feet to a point, said point being 148.58 feet  $\pm$  distant southerly, measured at right angles from Sta. 14+52.00 of the aforementioned baseline; Thence running westerly through lands of Lopez the following (2) courses and distances, S 45° 30' 42" W 129.50 feet to a point, said point being 101.65 feet  $\pm$  distant southerly, measured at right angles from Sta. 13+31.54 of the aforementioned baseline; Thence S 63° 14' 50" W 310.63 feet to a point, said point being 44.14 feet  $\pm$  distant easterly from Sta. 10+8.71 of the aforementioned baseline; Thence running northerly along the easterly line of C.R. 65 N 0° 23' 40" W 22.32 feet to the point of place of beginning.

Containing 0.199 acres more or less.

The abovementioned survey baseline is a portion of the survey baseline for the CR-65 drainage improvements project, and is described as follows:

Beginning at Sta 10+00 (R 2); Thence N 19° 40' 47" E 113.06 feet to Sta. 11+13.06 (R 1); Thence N 81° 32' 50" E 172.79 feet to a Sta. 12+85.85 (R 3); Thence N 25° 12' 55" E 274.03 feet to a Sta. 15+59.88 (R 4).

I hereby certify that the property mapped above is necessary for this project, and the acquisition thereof is recommended.

Date 8-1 2016

Noel H.S. Knille

Noel H.S. Knille, AIA, ASLA  
Commissioner of Public Works

Recommended by:

Date August 1 2016

Robert H. Balkind

Robert H. Balkind, P.E.  
Deputy Commissioner of Public Works



"Unauthorized alteration of a survey map bearing a licensed land surveyor's seal is a violation of the New York State Education Law."

I hereby certify that this map is an accurate description and map made from an accurate survey, prepared under my direction.

Date July 29 2016

Jonathan J. Valderber  
Jonathan J. Valderber, Land Surveyor  
P.L.S. License No. 050912

MORRIS ASSOCIATES  
ENGINEERS AND SURVEYING CONSULTANTS, P.C.  
9 ELKS LANE  
POUGHKEEPSIE, NY 12601

WUP NUMBER \_\_\_\_\_  
REVISED DATE \_\_\_\_\_  
DATE PREPARED 02-21-2016

PREPARED BY JVS

CHECKED BY JVS

FINAL CHECK BY JVS